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Technology Center 2100

In re Application of: VOGEL, Claude
Application No. 09/687,612
Attorney Docket No.: 16438-010001
Filed: October 11, 2000
For: SYSTEM AND METHOD FOR
PARSING A DOCUMENT

**DECISION ON PETITION TO
WITHDRAW HOLDING OF
ABANDONMENT
UNDER 37 CFR §1.181**

This is a decision on the petition, filed December 17, 2004, requesting the Withdrawal of the Holding of Abandonment of the above-identified application under 37 CFR §1.181. This application was held abandoned for failure to file a timely response to the Office Action mailed on February 24, 2004. A Notice of Abandonment was mailed October 21, 2004.

The petition is **GRANTED**.

In support of the petition, Petitioner provides a copy of: (a) the Amendment and Reply to the February 24, 2004 Office Action, and a check to cover a one-month extension of time (\$55.00); (b) the request for a corrected filing receipt; and (c) a USPTO stamped return receipt postcard identifying the papers filed May 26, 2004.

M.P.E.P. § 503 states:

A post card receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Upon inspecting records on file for the application, it is acknowledged that a Response by Applicants, an Amendment/Response, was received by USPTO on May 26, 2004. Therefore, the record is clear that the application was not abandoned in fact and a Notice of Abandonment should not have been issued. Due to massive migration from paper file wrappers to Image File Wrapper (IFW) in the Technology Center during the period when Applicants' response was filed, potential delays could happen such that communications from Applicants may not have been matched and recorded to the electronic file wrappers in a timely manner. Thus, decisions regarding the timeliness of Applicants' filing of a proper reply could have been inaccurately made based on the delays. The Office regrets any inconveniences this may have caused the Applicants.

Accordingly, the petition is **GRANTED**. The Notice of Abandonment is **VACATED**.

The application file is being forwarded to the technical support staff to **WITHDRAW** the holding of abandonment, and for processing of the response filed May 26, 2004. The file will be forwarded to the examiner for consideration of the response.


5/5/05
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